



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/688,213

10/15/2003

Patrice Gautier

101-P287/P3158US1

7257

67521 7590 07/17/2009
TECHNOLOGY & INNOVATION LAW GROUP, PC
ATTN: 101
19200 STEVENS CREEK BLVD., SUITE 240
CUPERTINO, CA 95014

EXAMINER

SEE, CAROL A

ART UNIT

PAPER NUMBER

3696

MAIL DATE

DELIVERY MODE

07/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/688,213	Applicant(s) GAUTIER ET AL.	
	Examiner Carol See	Art Unit 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2009 and 03 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-25, 38, 42-47, 56 and 62 is/are pending in the application.
- 4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 11-25, 38, 42-47, 56 and 62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Examiner acknowledges receipt of Applicant's Arguments/Remarks (1/5/2009) in which Applicant amended claims 1, 8, 21, 43, 56 and 62; cancelled claim 7; and restated withdrawal of claims 26-37, 39-41, 48-55 and 57-61. Examiner further acknowledges receipt of corrected amended claims (4/3/2009) in response to a notice of non-compliant amendment.
2. Applicant's amendment of claims 1 and 56 overcomes previous rejections under 35 USC 101; those rejections are hereby withdrawn.
3. Applicant's amendment of claims 1 and 21 overcome previous rejections under 35 USC 112, first paragraph; the rejections are hereby withdrawn.
4. Applicant's amendment of claim 8 fails to overcome previous objection; accordingly, the objection is maintained. See below.
5. Claims 1-6, 8-9, 11-25, 38, 42-47, 56 and 62 are pending in this action.

Response to Arguments

6. Applicant's arguments filed 1/5/2009 have been fully considered but they are not persuasive.
7. Applicant argues (pg. 16): With respect to claims 1, 7, 56 and 62, the Examiner appears to assert that "periodically" or "periodic basis" are somehow unclear. There is no basis to find these terms unclear. One skilled in the art would clearly understand that an allowance would be periodically transmitted to a recipient account. For example, the

Art Unit: 3696

allowance might be monthly, and thus the allowance would be transmitted monthly. In this example then, the "period" is a month.

Response: Applicant's arguments have been considered and are persuasive; accordingly, the rejection of claims 1, 7, 56 and 62 under 35 USC 112 are hereby withdrawn.

8. Re claims 1 and 56, Applicant further argues (pgs. 17, 18, 21): Therefore, Fleming fails to teach or suggest the allowance request recited in claim 1 and ...Fleming also fails to teach or suggest the allowance increment recited in claim 1 which indicates "an amount of money to be transferred to the recipient account on a periodic basis." Further: Therefore, Fleming fails to teach or suggest maintaining a list of recipient accounts that are receiving an allowance of money. In addition, the allowance increment indicates "an amount of money to be transferred to the recipient account on a periodic basis." On pages 12-13 of the Office Action, the Examiner references column 10, lines 11-60 of Fleming. However, such portions of Fleming only concern increases to a child's available credit. As a result, Fleming also fails to teach or suggest any transfer of money in a periodic basis as recited in claim 56.

Response: Examiner respectfully notes that increasing or decreasing an amount of credit available in another account, as cited by prior art references, by designating an amount of credit to be provided to that account from a first account, broadly interpreted, is "transferring an amount of money" to that account. Accordingly, this interpretation is maintained in this action. Further, Fleming shows a request being made by a parent to increase a child's available credit limit by an allowance amount on a periodic basis by

Art Unit: 3696

transferring that amount from parent account to child account (col. 6, lines 20-47, showing initial set up of child account in conjunction with col. 10, lines 10-47 showing processing of parent request to increase child credit limit and col. 14, lines 45-50 showing that request being a request for increase of an allowance on a periodic basis. Examiner refers Applicant to recited col. 15, lines 51-58 that address maintaining a list of recipient accounts. Accordingly, the rejections are maintained.

9. Applicant further argues (pgs. 19, 21): Claim 1 is, therefore, further patentably distinct from Fleming because Fleming does not teach or suggest using an allowance of an amount of money for the purpose of purchasing one or more items over a network. Response: Examiner notes that this particular limitation is not positively recited in the claimed method step of claim 1. Applicant's inclusion of similar language in claim 1 merely describes the intended use of the allowance. Accordingly, the rejection is maintained.

10. Applicant further argues (pgs. 19-20):

The credit increases of Fleming are also unable to teach or suggest the periodic transfer of money in accordance with an allowance increment from a credit card to a recipient account, whereby the recipient account is credited with the amount transferred. Thereafter, as noted above, the money that has been transferred into the recipient account can be used by the recipient for purchase of goods over a network. On page 7 of the Office Action, the Examiner again relies on Fleming, col. 10, lines 10-47 and col. 14, lines 45-50. Fleming, however, is concerned with increasing a child's credit limit on a credit card, which is not a transfer of money as specifically recited in element (c) of claim 1. Further, since the language of element (c) has been altered, the Examiner's comments on alleged "nonfunctional descriptive material" are moot.

Response: See paragraph 8 above regarding periodic transfer and regarding the amended claim language (nonfunctional descriptive material), please see art rejection below.

Art Unit: 3696

11. Applicant further argues (pg. 22):

Herman is referenced by the Examiner with respect to claims 2, 3, 19, 20 and 38 for describing a "monthly" allowance. Hence, even if Herman were properly combinable with Fleming, Herman would be unable to overcome the serious deficiencies of Fleming discussed above. Maritzen et al. is referenced by the Examiner with respect to claim 13 recitation that "an address of the recipient is not stored in association with the recipient account." Hence, even if Maritzen et al. were properly combinable with Fleming, Maritzen et al. would be unable to overcome the serious deficiencies of Fleming discussed above.

Response: Examiner respectfully notes that additional references mentioned by Applicant – Herman and Maritzen - were cited to address limitations not found in the primary Fleming reference; as such, limitations of those references may not address the limitations for which Fleming was cited.

Claim Objections

12. Claims 8, 22 and 23 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 8 depends from a method claim 1 that recites the steps of receiving an allowance request, an allowance increment and initiating transfer of money into an account in accordance with the allowance request and allowance increment. Step a) of claim 1 recites an intended use for the amount of money being made available to a recipient. The recitation in claim 8 fails to further narrow the scope of the above-cited method steps because it fails to positive recite an additional step and also fails to further limit the receiving of a request, the receiving of an allowance increment and the periodic transfer of money.

Claim 22 depends from a method claim that recites the steps of receiving an allowance request from a user, receiving an allowance increment and initiating transfer of money into an account in accordance with the allowance request and allowance increment. Claim 22, which identifies who the individuals are in the method steps, fails to further narrow the scope of the steps of claim 21. Similarly, for claim 23, the identity of a first and second individual as parent and child fails to further narrow the scope of the claimed steps of claim 22.

Claim Rejections - 35 USC § 112

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 1 and 56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 1 and 56: the recitation “said method being performed by at least one server” renders the claim indefinite because, as written, it remains unclear as to the performance of each step by a server. For example in claim 1, only step c appears to be connected to a server; in step 56, only the “facilitating” step appears connected to a server. Alternatively, the recitation can be linked to “A method..” as recited in the preamble, which can be compared to a computer-implemented method being recited in the preamble, without the steps in the body of a method claim being clearly recited as being performed by the computer.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 1, 4-6, 8-9, 11-12, 14-18, 21-25, 44-47, 56 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming (U.S. 5,953,710).

As to claim 1, Fleming shows a method for transferring an amount of money to a recipient account associated with a recipient, the amount of money being available for use by the recipient for purchase of goods over a network, said method comprising:

(a) receiving an allowance request from a user indicating a request to set up an allowance for a recipient, the allowance representing an amount of money being made available by the user to the recipient for purchase of one or more items over the network (col. 6, lines 20-47, showing set up of child account in conjunction with col. 10, lines 10-47 and col. 14, lines 45-50, showing a completed parent request for increase to a child's available credit limit, that amount requested being the amount of a set allowance, which is an amount of money being made available to the recipient, i.e., the child);

(b) receiving an allowance increment or selection of an allowance increment, the

allowance increment indicating an amount of money to be transferred to the recipient account on a periodic basis (col. 14, lines 45-57).

(c) periodically initiating transfer of money into the recipient account in accordance with the allowance request and the allowance increment wherein the transfer of the money periodically in the amount of the allowance increment is achieved by transferring the amount of the allowance increment from a credit card associated with the user to the recipient account, whereby the recipient account is credited with the amount of the allowance increment (col. 10, lines 10-47 and col. 14, lines 45-50, showing a completed parent request for increase to a child's available credit limit, that amount requested being the amount of a set allowance, which is an amount of money then credited to recipient account),

Fleming shows the method steps recited being performed by a computer (col. 5, lines 19-32, lines 30-38, fig. 1, fig. 6, showing customer communication with bank through customer access device over a telecommunications link (which encompasses personal computers - col. 9, lines 54-64) to enter requests that are processed by the computer system; however, Fleming does not expressly show "said method being performed by at least one server." Examiner submits that as information – e.g., requests - are received from a remote customer over a telecommunications link, which can be compared to a network, by a bank customer account information system which then responds to those requests, this functionality can be compared to a server on a network. It is old and well known in the art to utilize a server to connect remote

Art Unit: 3696

personal computers to a bank, to provide requested information or services to the remote computer.

The recitation “for use by the recipient for purchase of goods over a network” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

The recitation “for purchase of one or more items over the network” in clause (b) of the claim constitutes nonfunctional descriptive material. As such the recitation is not afforded patentable weight. The reason for performance of the method step is not functionally related to the actual performance. The claimed method step will be performed regardless of the reason it is being performed. Thus, this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F. 3d 1579, 32 USPQ 2d 1031 (Fed. Cir. 1994).

As to claim 4, Fleming shows all elements of claim 1. Fleming further shows receiving, over the network, a selection of a period of time after expiration of which the allowance increment is to be transferred to the recipient account, wherein the allowance increment is to be transferred to the recipient account each time the period of time

Art Unit: 3696

expires (col. 14, lines 55-58, showing parent entering periodic interval after which money is to be transferred).

As to claim 5, Fleming shows all elements of claim 4. Fleming further shows modifying the period of time, thereby updating the allowance that has previously been set up for the recipient (col. 14, lines 58-60).

As to claim 6, Fleming shows all elements of claim 4. Fleming further shows wherein the period of time is a week or a month (col. 19, line 58).

As to claim 8, Fleming shows all elements of claim 1.

The recitation “wherein the recipient purchases items from an online store using the money transferred into the recipient account” constitutes nonfunctional descriptive material. As such the language is not afforded patentable weight. The result of the method step of initiating transfer of money is not functionally related to the step of initiating transfer of money. The initiating transfer step will be performed the same regardless of what the recipient does with the money after it is transferred. Thus, this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F. 3d 1579, 32 USPQ 2d 1031 (Fed. Cir. 1994).

As to claim 9, Fleming shows all elements of claim 8. Fleming further shows wherein credit card information associated with the credit card is established in association with a user account of the user (col. 6, lines 7-10 and 20-28).

As to claim 11, Fleming shows all elements of claim 1. Fleming further shows

Art Unit: 3696

credit card information of the recipient not being stored in association with the recipient account (col. 3, lines 35-36 and col. 4, lines 52-53, referencing recipient having a debit card and the supervision of that card's use using the same system as for a credit card. In that instance, credit card information is not stored, but debit account information is stored).

As to claim 12, Fleming shows all elements of claim 1. Fleming further shows wherein a username and password are stored in association with the recipient account (col. 6, lines 20-23, 37-38 and Fig. 2, element 28).

As to claim 14, Fleming shows all elements of claim 1. Fleming further shows wherein the recipient account is identified by a username or email address (col. 6, lines 20-23 and Fig. 2, element 28).

As to claim 15, Fleming shows all elements of claim 1. Fleming further shows receiving an identifier associated with the recipient account (col. 10, lines 20-23).

As to claim 16, Fleming shows all elements of claim 15. Fleming further shows wherein the identifier is a username or email address (col. 10, lines 20-23).

As to claim 17, Fleming shows all elements of claim 1. Fleming further shows receiving an identifier associated with the recipient account or creating the recipient account (col. 6, lines 43-44).

As to claim 18, Fleming shows all elements of claim 1. Fleming further shows creating the recipient account (col. 6, lines 20-47).

As to claim 21, Fleming shows all elements of claim 1. Fleming further shows wherein the user has a user account, wherein the user account is separate from the

Art Unit: 3696

recipient account (col. 3, lines 11-14).

As to claim 22, Fleming shows all elements of claim 21. Fleming further shows wherein the user is a first individual and the recipient is a second individual (col. 3, lines 11-14).

As to claim 23, Fleming shows all elements of claim 22. Fleming further shows wherein the user is a parent and the recipient is a child of the parent (col. 3, lines 11-14).

As to claim 24, Fleming shows all elements of claim 21. Fleming further shows wherein the user account is a parent account and the recipient account is a sub-account of the parent account (col. 3, lines 11-15).

As to claim 25, Fleming shows all elements of claim 24. Fleming further shows wherein the recipient can view information associated with the sub-account, but cannot view information associated with the parent account (col. 7, lines 25-37 and Fig. 2A depicting parent statement as including parent and child, and child statement relating only to child's transactions).

As to claim 44, Fleming shows all elements of claim 1. Fleming further shows receiving a request to update the allowance for the recipient (col. 14, lines 47-51).

As to claim 45, Fleming shows all elements of claim 44. Fleming further shows receiving a request to discontinue the allowance for the recipient (col. 14, lines 58-60).

As to claim 46, Fleming shows all elements of claim 44. Fleming further shows receiving a request to modify the allowance for the recipient (col. 14, lines 58-60).

As to claim 47, Fleming shows all elements of claim 46. Fleming further shows

Art Unit: 3696

wherein modifying an allowance comprises receiving a request to modify the allowance increment to a second allowance increment (col. 14, lines 55-60).

As to claim 56, Fleming shows a method for facilitating the transfer of money to one or more recipient accounts associated with one or more recipients, the money being made available for use by the recipients for purchase of goods over a network, comprising:

maintaining a list of one or more recipient accounts (col. 15, lines 51-58), each of the recipient accounts having an associated allowance increment indicating an amount of money to be transferred to the recipient account on a periodic basis (col. 10, lines 11-26 in conjunction with col. 10, lines 45-60); and

automatically transferring money in accordance with the allowance increment associated with each of the recipient accounts to the corresponding recipient account on a periodic basis (col. 10, lines 11-47 in conjunction with col. 10, lines 45-60); and

facilitating purchase by the recipients of one or more items over the network using the money from the allowance increments that have been transferred to the recipient accounts associated with the recipients (col. 10, lines 11-47 in conjunction with col. 10, lines 45-60, showing transfer of money, which enables –i.e., facilitates spending of that money for purchases).

Fleming shows the method steps recited being performed by a computer (col. 5, lines 19-32, lines 30-38, fig. 1, fig. 6, showing customer communication with bank through customer access device over a telecommunications link (which encompasses personal computers - col. 9, lines 54-64) to enter requests that are processed by the

Art Unit: 3696

computer system; however, Fleming does not expressly show “said method being performed by at least one server.” Examiner submits that as information – e.g., requests - are received from a remote customer over a telecommunications link, which can be compared to a network, by a bank customer account information system which then responds to those requests, this functionality can be compared to a server on a network. It is old and well known in the art to utilize a server to connect remote personal computers to a bank, to provide requested information or services to the remote computer.

The recitation “for facilitating the transfer of money to one or more recipient accounts associated with one or more recipients, the money being made available for use by the recipients for purchase of goods over a network” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

As to claim 62, Fleming shows a computer readable medium including at least executable computer program code tangibly stored thereon for transferring an amount of money to a recipient account associated with a recipient, the amount of money being available for use by the recipient for purchase of goods over a network, said computer readable medium comprising:

computer program code for receiving an allowance request from a user indicating a request to set up an allowance for a recipient, the allowance representing an amount of money being made available by the user to the recipient for purchase of one or more items over the network (col. 17, lines 2-4, 27-36 and Fig. 6);

computer program code for receiving an allowance increment or selection of an allowance increment, the allowance increment indicating an amount of money to be transferred to the recipient account on a periodic basis (col. 9, line 54 through col. 10, line 27); and

computer program code for periodically initiating transfer of money into the recipient account in accordance with the allowance request and the allowance increment, wherein the transfer of the money periodically in the amount of the allowance increment is achieved by transferring the amount of the allowance increment from a credit card associated with the user to the recipient account, whereby the recipient account is credited with the amount of the allowance increment (col. 10, lines 10-47 and col. 14, lines 45-50, showing a completed parent request for increase to a child's available credit limit, that amount requested being the amount of a set allowance, which is an amount of money then credited to recipient account).

Applicant's recitation of "for transferring an amount of money to a recipient account associated with a recipient" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and

Art Unit: 3696

where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

17. Claims 2, 3, 19, 20 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming (U.S. 5,953,710) in view of Herman (WO/0043852).

As to claim 2, Fleming shows all elements of claim 1.

Fleming does not specifically show wherein the allowance is a monthly allowance, and the allowance increment is to be transferred to the recipient account on a monthly basis.

Herman shows wherein the allowance is a monthly allowance, and the allowance increment is to be transferred to the recipient account on a monthly basis (Fig. 7B).

It would have been obvious to one of ordinary skill in the art to have modified the invention of Fleming by the method taught in Herman in order to further accommodate a user's choice of the time in which to make money available.

As to claim 3, Fleming in view of Herman shows all elements of claim 2. Herman further shows wherein when the allowance request is received after a specific date in the month, the allowance increment is to be transferred to the recipient account at the beginning of the next month (pg. 9, lines 24 through pg 10, line 10).

It would have been obvious to one of ordinary skill in the art to have modified the invention of Fleming by the method taught in Herman in order to further accommodate user's choice of the time in which to transfer money and to make it available to a

Art Unit: 3696

recipient.

As to claim 19, Fleming shows all elements of claim 18.

Fleming does not specifically show wherein creating the recipient account further comprises receiving an email address of the recipient and receiving a temporary password of the recipient.

Herman teaches creating the recipient account that comprises receiving an email address of the recipient and receiving a temporary password of the recipient (pg. 9, lines 3-10).

It would have been obvious to one of ordinary skill in the art to have modified the invention disclosed by Fleming by the method taught in Herman in order to provide identification and access to specified accounts (pg. 9, lines 8-9).

As to claim 20, Fleming in view of Herman shows all elements of claim 19. Fleming further shows receiving a name of the recipient (Fig. 2, elements 22 and 28 in conjunction with Fig. 3, elements 12(a) and 22, showing communication of information).

As to claim 38, Fleming shows all elements of claim 1. Fleming further shows communications through systems that allow the user to input and receive information including personal computer systems (col. 9, lines 60-63) and telecommunications link (Fig. 1, element 12(b)).

Fleming does not specifically show the allowance request initiated via an allowance hypertext link.

Herman shows the allowance request initiated via an allowance hypertext link (pg. 7, lines 23-25; pg. 8, lines 14-19 and pg. 9, line 24 through page 10, line 10).

Art Unit: 3696

It would have been obvious to one of ordinary skill in the art to have modified the method disclosed in Fleming by the method taught in Herman in order to communicate information through a well known and widely used communication tool.

18. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming (U.S. 5,953,710) in view of Maritzen et al. (U.S. 2002/0095386).

As to claim 13, Fleming shows all elements of claim 1.

Fleming does not specifically show wherein an address of the recipient is not stored in association with the recipient account.

Maritzen teaches wherein an address of the recipient is not stored in association with the recipient account. (para. 0054, showing storage of information associated with an account that does not include an address). This known technique is applicable to the system of Fleming as they both share characteristics and capabilities, namely, they are directed to account transactions.

One of ordinary skill in the art would have recognized that applying the known technique of Maritzen would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Maritzen to the teachings of Fleming would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such privacy features into similar systems. Further, applying privacy features to Fleming would have been recognized by those of ordinary skill in the art as resulting in an improved system that would protect a customer's privacy.

Art Unit: 3696

19. Claims 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming in view of Cheong et al. (U.S. 7,006,993).

As to claim 42, Fleming shows all elements of claim 1.

Fleming does not specifically show displaying a graphical user interface for the user, the graphical user interface having an allowance setup interface that enables the user to designate the allowance increment, the recipient account and the recipient (col. 9, lines 54-64, showing customer computer access, Fig. 1, Fig. 6, wherein the graphical user interface is provided when the user accesses an online store via the network, and wherein the recipient account is associated with the online store.

Cheong teaches displaying a graphical user interface for the user, the graphical user interface having an allowance setup interface that enables the user to designate the allowance increment, the recipient account and the recipient, wherein the graphical user interface is provided when the user accesses an online store via the network, and wherein the recipient account is associated with the online store (col. 8, line 37 through col. 10, line 7, and figs. 1, 4 and 10-14, showing a graphical user interface of a merchant site allowing a user to set up a recipient account for purchases at an online merchant).

It would have been obvious to one of ordinary skill in the art to include in the system of Fleming the ability to designate funds for use at online merchants as taught by Cheong since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did

separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As to claim 43, Fleming in view of Cheong shows all elements of claim 42. Fleming further shows wherein in designating the recipient account, an account identifier and password for the recipient account are provided by the user (col. 6, lines 20-47).

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon, can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent

Art Unit: 3696

Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

Carol See
Patent Examiner
Art Unit 3696